



Nevada State Board of Medical Examiners

*** * * MINUTES * * ***

OPEN SESSION BOARD MEETING

Held in the Riviera Ballroom at the Las Vegas Embassy Suites Hotel

4315 Swenson Street, Las Vegas, Nevada 89119

and videoconferenced to:

The Nevada State Board of Medical Examiners Conference Room

1105 Terminal Way, Suite 301, Reno, Nevada 89502

FRIDAY, DECEMBER 3, 2004 – 8:30 a.m.

and

SATURDAY, DECEMBER 4, 2004 – 9:00 a.m.

Board Members Present

Stephen K. Montoya, M.D., President

Joel N. Lubritz, M.D., Vice President

Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer

Marlene J. Kirch

Sohail U. Anjum, M.D.

Javaid Anwar, M.D.

Charles N. Held, M.D.

Jean Stoess, M.A.

Board Members Absent

Cheryl A. Hug-English, M.D.

Staff Present

Drennan A. Clark, J.D., Executive Secretary/Special Counsel

Laurie L. Munson, Deputy Executive Secretary/

Information Systems Administrator/Chief of Administration

Stephen D. Quinn, General Counsel

Bonnie S. Brand, Deputy General Counsel

Edward O. Cousineau, Deputy General Counsel

Robert J. Barnet, M.D., Medical Reviewer

Lynnette L. Krotke, Chief of Licensing

Carolyn H. Castleman, Deputy Chief of Licensing

Douglas C. Cooper, Chief of Investigations

Pamela J. Castagnola, Lead Investigator

Pamela C. Gabica, Administrative Assistant

Michael L. Huse, Investigator (present in Reno)

Also Present

Dena James, J.D., Deputy Attorney General

Peter Mansky, M.D., Executive Director, Nevada Health Professionals Assistance Foundation

Roger Belcourt, M.D., Nevada Health Professionals Assistance Foundation

John B. Lanzillotta, P.A.-C, Physician Assistant Advisory Committee Member

Michael J. Garcia, R.R.T., Practitioner of Respiratory Care Advisory Committee Member

FRIDAY, DECEMBER 3, 2004

Agenda Item 1

CALL TO ORDER AND ANNOUNCEMENTS – Stephen K. Montoya, M.D., President

The meeting was called to order by Stephen K. Montoya, M.D., President, at 8:40 a.m.

Agenda Item 2

APPROVAL OF MINUTES

- September 10 & 11, 2004 Board Meeting – Open/Closed Sessions

Mrs. Kirch moved to approve the minutes of the September 10 & 11, 2004 Board Meeting - Open/Closed Sessions. Dr. Held seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 3

PERSONNEL

Open Session

- Introduction of New Board Staff
- Update on Licensing Division Staffing
- Update on Office Realignment

- Introduction of New Board Staff

Mr. Clark introduced the Board's new Deputy General Counsel, Bonnie Brand, to Board members, and Dr. Montoya welcomed her on behalf of the Board.

- Update on Licensing Division Staffing

Mr. Clark informed the Board that Brett M. Canady had been hired to fill the License Specialist position vacated by Barbara Garaventa, and would start work on December 6, 2004. Mr. Clark then advised the Board that License Specialist Jennifer D. Ross will have been with the Board for six months and completed her training period on December 15, 2004. Pursuant to Board policy, she was hired at an entry-level salary of \$32,000, and in accordance with that policy, he would like authority to raise her salary to \$37,000, the median salary for the other License Specialists, effective December 15.

Dr. Montoya stated that since there is a policy in place, which includes this exception as the only exception to the Board policy of reviewing salaries once a year, the Board does not need to take action on the item; it is for informational purposes only.

Mr. Clark then advised the Board that the Chief of Licensing would like to designate one of the License Specialists, Carolyn H. Castleman, as her chief deputy, to be in charge when she is away and to assist with training of the other License Specialists. This would be a change in title and duties only, and not affect salary. There being no objections from Board members, the change in title was approved.

- Update on Office Realignment

Mr. Clark advised the Board that staff had completed the office realignment.

Dr. Montoya added that an office had been added on the third floor for the Executive Committee, and that the conference room had been modified.

Agenda Item 4

REPORT ON STATUS OF THE BOARD'S PUBLIC SERVICE ANNOUNCEMENT PROGRAM THROUGH NEVADA BROADCASTERS ASSOCIATION

- Drennan A. Clark, J.D., Executive Secretary/Special Counsel

Dr. Montoya stated he had received the script for the Spanish spot, but had not yet filmed it.

Mr. Clark told the Board he had heard the English spot on the radio and it sounded good.

Dr. Montoya stated the ad was filmed at Channel 8 studios and the Board members participating were treated very professionally.

The tape of the television spot was then shown.

Robert D. Fisher, President and CEO of Nevada Broadcasters Association, stated the ads were running statewide, on approximately 20 television stations and 60 radio stations.

Dr. Montoya commented that these new spots are one way to help get the word out that the public can contact the Board and ask about doctors and their credentials, which is in accordance with the recommendations contained in the audit of the Board performed a year-and-a-half ago.

Agenda Item 5

AMENDMENTS TO NEVADA ADMINISTRATIVE CODE CHAPTER 630

- Stephen D. Quinn, J.D., General Counsel
 - Consideration of Approval of Amended Regulation (NAC 630.080) for Public Workshops: *Limiting the Time for Completing the USMLE and Limiting the Number of Attempts at the USMLE*
 - Request for Authority to Amend NAC 630.560 to Allow the Board to Appoint Five Licensed Practitioners of Respiratory Care to the Practitioner of Respiratory Care Advisory Committee, i.e., to Increase the Committee from Three to Five Members
- **Consideration of Approval of Amended Regulation (NAC 630.080) for Public Workshops: *Limiting the Time for Completing the USMLE and Limiting the Number of Attempts at the USMLE***

Mr. Quinn stated there were proposed amendments to the Board regulations that he wanted to present. The first was an amendment to NAC 630.080 that would limit the time within which a person must successfully complete the United States Medical Licensing Examination (USMLE) to seven years after the date on which the person first took any one of the three steps of the USMLE, and also limit the number of attempts a person would have to successfully

complete all three steps to a maximum of two failures per step, or a combined maximum of nine attempts to pass the USMLE. He sent this proposal out to all Board members prior to the Board meeting in the form of a memorandum and received a response from Dr. Anwar recommending the language be modified to delete the reference to two failures per step and just read that a person would have a total of nine attempts to pass all three steps.

Dr. Baepler stated that was the intent of the motion.

Mr. Quinn told the Board there were workshops scheduled for later in the month in Las Vegas and in Reno.

Mr. Clark stated that the amendment should include an exception for an M.D. who is also pursuing a Ph.D., giving those persons ten years to pass the USMLE rather than seven.

Dr. Baepler asked if the changes would be incorporated after the hearings, and Mr. Quinn stated that could be done. Dr. Baepler stated these changes would make Nevada similar to most other states, and Mr. Quinn concurred that the majority of states have a seven-year time limit and a limit on the number of attempts at the USMLE.

Discussion ensued concerning how the changes would affect applicants who have already applied to the Board who don't meet the new criteria being considered, and those who don't meet the criteria that apply in the future, and how notification to them that they don't meet the requirements and the consequences of continuing with their application would be handled.

Mrs. Kirch moved to approve the amendment to NAC 630.080 for workshops with the aforementioned modifications. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Request for Authority to Amend NAC 630.560 to Allow the Board to Appoint Five Licensed Practitioners of Respiratory Care to the Practitioner of Respiratory Care Advisory Committee, i.e., to Increase the Committee from Three to Five Members

Mr. Quinn stated the second proposed amendment to the Board's regulations pertains to a request from the Practitioner of Respiratory Care Advisory Committee to increase the membership of the Committee from three to five members, which would require an amendment to NRS 630.560. This was brought to the Board as a request to proceed with drafting an amendment and presenting it at a future Board meeting.

Michael J. Garcia, R.R.T., Practitioner of Respiratory Care Advisory Committee member, explained to the Board that they currently have close to 1,000 practitioners in the state, with the majority of those in the southern part of the state. Currently, the committee is comprised of two members from the south and one from the north, and they would like to expand the committee membership to include an additional member from the north and another from one of the rural communities so there would be better geographical representation.

Mrs. Kirch moved to approve the drafting of an amendment to NAC 630.560 to increase the Practitioner of Respiratory Care Advisory Committee to five members. Dr. Held seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 6

CONSIDERATION OF ELECTRONIC RENEWAL OF LICENSURE AND ACCEPTANCE OF PAYMENT BY CREDIT CARD

- Drennan A. Clark, J.D., Executive Secretary/Special Counsel

Mr. Clark told the Board that if they would like staff to offer electronic renewals and payment by credit card to its licensees, it could be implemented and available to the respiratory therapists during their 2006 renewal period, and to physicians and physician assistants during their 2007 renewal period.

Dr. Held moved to approve electronic renewals of licensure and acceptance of payment by credit card as outlined by Mr. Clark. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 7

BOARD WEBSITE: WWW.MEDBOARD.NV.GOV REPORT

- Laurie L. Munson, Deputy Executive Secretary/Information Systems Administrator
- Status of Addition of Licensees' Educational History to Licensee Search Module

Mr. Clark stated that through November 30, the Board had issued licenses to 668 doctors, 496 of which were unrestricted licenses and the balance were limited or special licenses in other categories. During that same period, the Board had issued licenses to 67 physician assistants and 130 respiratory therapists. At this time last year, the Board had issued a total of 517 licenses to doctors, 335 of which were unrestricted licenses. This indicates there will be over 700 licenses granted this year.

Dr. Montoya stated this means there has been a 25 percent increase in the number of doctors licensed.

Ms. Munson provided the Board members with a quote from System Automation to add the educational history of the Board's licensees to the information listed on the website. She advised the Board that the verification of the educational history and other information on all the Board's licensees had been completed and the information could now be added to the website if the Board approved it. However, she also advised the Board that staff was in the process of setting up a demonstration of a program which would be a replacement for the Board's current automated licensing and regulatory system, as the current system had not proven to meet some critical needs of staff in doing their work, particularly in the reporting area, there have been numerous glitches with the system, and minor modifications to the system have been very expensive, as has the support. Staff has received information that other medical boards are switching to the system to be demonstrated, and the Nevada Pharmacy Board is currently using it and is very pleased with its performance, so staff thought it was worth looking into. She told the Board her recommendation was to wait on adding the educational module until after staff sees the demonstration from of the prospective new system and provides a report to the Board at its March meeting.

Dr. Lubritz asked what information would be included in the educational history if placed on the website, and Ms. Munson stated it would include each physician's medical school, internships, residencies and fellowships.

Dr. Lubritz asked whether there have been complaints received due to the fact that the educational information is not on the website and people are required to call to get the information, and Ms. Munson stated complaints have been received especially from people who have called long distance to get the information, stating they would incur no charges if it were on the website, and also that most other states have the information on their websites. Dr. Lubritz asked if staff could obtain information about how frequently people call for that information, and Ms. Munson stated they could.

Mrs. Kirch moved to table consideration of adding the educational module to the current system until the March meeting. Dr. Held seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 8

REPORTS

- Diversion Program - *Quarterly Report* - Peter Mansky, M.D., Executive Director
- Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C, Advisory Committee Member
- Practitioner of Respiratory Care Advisory Committee - Michael J. Garcia, R.R.T., Advisory Committee Member
- Investigative Committees - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer, Chairperson
Joel N. Lubritz, M.D., Vice President, Chairperson
 - Consideration of Cases Recommended for Closure by the Committees
 - Status of Investigative Caseload
- Nevada State Medical Association Liaison Report - Stephen K. Montoya, M.D.
- Secretary-Treasurer - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer
 - Consideration and Approval of Biennial Budget for Fiscal Years 2006 and 2007
 - Status of Finances
- Administrators in Medicine's *2004 Western/Central Regional Meeting*, September 23 & 24, 2004, Santa Fe, N.M. - Drennan A. Clark, J.D., Executive Secretary/Special Counsel
- Federation of State Medical Boards' *Promoting Balance and Consistency in the Regulatory Oversight of Pain Care Workshop*, November 14 & 15, 2004, Dallas, TX - Stephen D. Quinn, J.D., General Counsel
- Council on Licensure, Enforcement and Regulation's *National Certified Investigators' Training*, September 28 - 30, 2004, Kansas City, MO - Pamela J. Castagnola, Lead Investigator
- Approval of Requests for Authority to Provide Medical Training in Cosmetic Injection Techniques
 - Lynnette L. Krotke, Chief of Licensing

- Physician Assistant Advisory Committee – John B. Lanzillotta, P.A.-C;

John B. Lanzillotta, P.A.-C advised the Board that Nancy Munoz had resigned from the Advisory Committee and said he was appearing before the Board to nominate Janet Wheble for that vacancy. He gave a brief history of Ms. Wheble's background and experience.

Ms. Wheble introduced herself to the Board and stated she would be honored to serve on the Committee.

Dr. Montoya told Ms. Wheble that her credentials were excellent, but the matter of her appointment would have to be considered at a later meeting because it was not on the agenda for this meeting.

- Practitioner of Respiratory Care Advisory Committee – Michael J. Garcia, R.R.T.

Michael J. Garcia, R.R.T. advised the Board that the only item that had been an issue with the respiratory profession in the last several months was that a majority of facilities in the state, particularly hospitals, had been telling respiratory therapists that the law requiring physicians and physician assistants to take continuing medical education in the area of bioterrorism and weapons of mass destruction also applies to respiratory therapists. Their professional society, the Nevada Society of Respiratory Therapists, has recommended to all therapists that they take that education, as many of the clinical problems for people who might find themselves in such an incident end up in the respiratory arena. However, Deputy General Counsel Ed Cousineau helped him research the law and verified that respiratory therapists are not required to take that education, and Board staff has been appropriately advising respiratory therapists that they do not have to take the education, and he wanted to thank the Board for its guidance and support.

**INVESTIGATIVE COMMITTEES – Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer, Chairperson
Joel N. Lubritz, M.D., Vice President, Chairperson**

- Consideration of Cases Recommended for Closure by the Committees
- Status of Investigative Caseload

- Consideration of Cases Recommended for Closure by Committees

Dr. Baepler reported that Investigative Committee A considered 113 cases, authorized filing formal complaints in 6 cases, appearances were requested in 5 cases, 1 case was referred out for peer review, 9 cases were referred back to investigative staff for further investigation and 92 cases were recommended for closure.

Dr. Lubritz reported that Investigative Committee B considered 63 cases, authorized filing formal complaints in 8 cases, 1 case was sent out for peer review, appearances were requested in 5 cases, 4 cases were referred back to investigative staff for further investigation and 45 cases were recommended for closure.

- Status of Investigative Caseload

Mr. Cooper presented a synopsis of the current caseload of the investigators, which included a total of 632 open investigations, which was an average of 90 per investigator. Additionally, there are 112 civil court cases pending opening that the Board's Investigators found in going through the court filings in July 2004, and there will probably be an additional 60 or so added to that 112 from filings in July through December 2004.

Dr. Montoya stated that there were 69 peer reviews currently being conducted, with another 61 pending, and it is difficult to find peer reviewers so if anyone knows of anyone who would volunteer to be a peer reviewer, it would be appreciated by the Board.

Dr. Baepler commented that with the caseload practically doubling, it has also created a significant budget item that the Board needs to be aware of.

Mr. Cooper told the Board that the Investigations Division now has adequate staff to handle the current caseload.

Dr. Lubritz asked how the Board's investigative caseload compares to other states, and Mr. Cooper stated that the last time he did a survey, other states were running from 45 to 52 per investigator. Mr. Cooper stated that although Nevada's caseload was double what other states have, the staff is comfortable with the current caseload, and the only areas they are behind in are the civil court filings, which have been historically tough to stay on top of, and peer reviews, because it is difficult to find peer reviewers who are qualified in the areas where they are needed and it takes time to receive the peer reviews back from the peer reviewers. He stated they have recently gone out of state for a couple of peer reviews.

Mr. Cooper then described the new process the Investigations Division has put in place to provide progress reports to complainants.

Discussion ensued concerning the peer review process.

- Nevada State Medical Association Liaison Report

Dr. Montoya stated he missed the November meeting of the Nevada State Medical Association because he had a delivery at the same time.

Weldon Havins, M.D., J.D., CEO and Special Counsel of the Clark County Medical Society, stated the next meeting of the Nevada State Medical Association was scheduled for January 15, and they will be looking at legislative issues at that time.

Dr. Lubritz asked if the Association was proffering any legislative positions, and Lawrence P. Matheis, Executive Director of the Nevada State Medical Association, stated there are several issues on managed care and other items they will be supporting that are coming through regulatory agencies, but at this point they do not have any specific legislation.

- Diversion Program: *Quarterly Report* – Peter Mansky, M.D., Executive Director, Nevada Health Professionals Assistance Foundation

Peter Mansky, M.D. distributed a report to Board members. He told the Board that the Diversion Program currently has 65 active participants and 14 candidates for licensure by the Board of Medical Examiners. He stated they have been working with the Board's staff and appreciates the assistance he has received and wants to continue to strengthen the relationship between the program and Board staff. The program is financially solvent with a two-or-three-month operating reserve, and they are working to increase their fundraising efforts. They need to establish a full-time office and staff to accomplish all of their goals, and that is one reason why they want to increase their fundraising. He explained that their board had established a fee of \$250 to be charged to candidates for licensure for their person-to-person interview, a report and chemical toxicology testing. They have also increased their networking efforts with hospitals, private groups and others, would like to increase their outreach and referral base, and establish some local treatment resources utilizing clinicians in Nevada. Their two diversion committees, one in Las Vegas and one in Reno, meet monthly now. Dr. Mansky described the program's current urine collection procedure and possibilities for improvement of the procedure, and a new test they are considering for measurement of alcohol.

Mr. Garcia asked Dr. Mansky if he knew the number of respiratory therapists that are in the Diversion Program, and Dr. Mansky stated there are about 20.

- Secretary-Treasurer - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer
- Status of Finances

Dr. Baepler stated the Board operates on a biennial basis for revenue, that is, it receives most of its money when the bulk of its licensees renew their licenses, but operates on a fiscal year by statute. It would be easier if the Board had a biennial budget rather than two annual budgets due to the way it receives revenue, as in the first year of the biennium the Board always shows a lot more revenue than expenditures and it is reversed the second year of the biennium. What is reflected in the status report is exactly what was planned, two years ago, with no surprises in revenues or expenditures, and the Board is well within its budget.

Dr. Held moved that the Board approve the budget as presented. Dr. Anwar seconded the motion and it passed unanimously, with the Chair voting in favor of the motion.

- Consideration and Approval of Biennial Budget for Fiscal Years 2006 and 2007

Dr. Baepler stated this item includes setting the licensing fees for the next biennium. He explained that a little over two years ago, the Board had a large balance reserve fund, almost 3.7 million dollars, and it was decided to whittle the reserve down to ultimately end up with something in the vicinity of a million-and-a-half for the biennium, which is in the area of \$500,000 to \$700,000 per year annual reserve. To accomplish this, the licensing fee schedule was set to where the Board would operate at a loss, by charging \$400 for physician renewals instead of the \$600 that had been charged previously. That was a sizeable chunk and the Board has, in fact, operated at a loss since. At the end of the biennium on June 30, the Board will be well under two-and-a-half million, which is a reduction of 1.2 million dollars. This means the Board hasn't quite reached its target and can still operate at a slight loss during the next biennium, but fees will have to be raised due to legislative changes and other circumstances, such as a doubling of the investigative caseload, which have caused necessary increases in Board expenditures. Mr. Clark went to the outside auditors and gave them a number of assumptions and asked them create some budget models for the Board. The recommendation from the auditors was to increase the physician renewal fees from \$400 to \$650 and the physician assistant renewal fees from \$300 to \$350, with no increase in the respiratory therapist fees. This is still projected to operate at a loss, and the reserve would continue to decrease. This model was created using a conservative approach in the estimation of revenue which will be received. Dr. Baepler stated he has been thinking about it and would prefer not to go above the \$600 fee that was charged physicians prior to the decrease in the last biennium and would prefer not to increase the physician assistant fees. The difference would equate to \$240,000 in lost revenue from physician fees and \$25,000 from physician assistant fees, and could bring the reserve down to less than a million-and-a-half, but that is the worst possible case. This would include adding one or two positions to Board staff, if necessary, during the next biennium, and a few other cushions. To be comfortable, the minimum reserve the Board should reach is a million to a million-and-a-quarter. He recommended \$600 for physician renewal fees, \$300 for physician assistant renewal fees, and continuing to charge respiratory therapists \$200 for renewal fees, with all application fees remaining the same as they are currently.

Dr. Anjum moved that the Board accept the proposed fees and approve the budget. Ms. Stoess seconded the motion and it passed unanimously, with the Chair voting in favor of the motion.

- Administrators in Medicine's 2004 Western/Central Regional Meeting, September 23 & 24, 2004, Santa Fe, N.M. – Drennan A. Clark, J.D., Executive Secretary/Special Counsel

Mr. Clark told the Board that he and Ms. Munson attended the Administrators in Medicine Western Regional Meeting in Santa Fe, New Mexico, and that it was very beneficial. The principal topic of discussion was physician problems outside of discipline, such as boundary issues, temperament problems, record-keeping problems, etc., and two programs, one through the University of California at San Diego and the other in New York state, which provide in-residence programs for physicians to help them resolve such problems. Dr. Lubritz asked Mr. Clark to provide copies of the brochures from these programs to the Board members, and Mr. Clark stated that he would. Additionally, Mr. Clark was elected to the Board of Directors for the western region to represent that region.

- Federation of State Medical Boards' Promoting Balance and Consistency in the Regulatory Oversight of Pain Care Workshop, November 14 & 15, 2004, Dallas, TX - Stephen D. Quinn, J.D., General Counsel

Mr. Quinn told the Board he had attended the Federation of State Medical Boards' workshop on the promotion of balance and consistency in the regulatory oversight of pain care in Dallas, Texas, and found it to be an excellent and very current overview of the use of controlled substances for chronic or intractable pain. He came away with two important points of information: one, that there is an equal or greater problem with under-prescribing of pain medication as there is with over-prescribing it, and two, that the quantity of medication alone is never grounds for an investigation.

Discussion ensued concerning pain management.

- Council on Licensure, Enforcement and Regulation's National Certified Investigators' Training, September 28-30, 2004, Kansas City, MO – Pamela J. Castagnola, Lead Investigator

Ms. Castagnola told the Board that several of the investigators, Trent S. Hiatt, Angela S. Canary, Terri L. Ward, Heather L. Higgins and herself, attended a three-day training session in Kansas City, Missouri sponsored by the Council on Licensure, Enforcement and Regulation, an agency that trains investigators from all state regulatory agencies. They received training in the areas of professional conduct and inter-agency regulations, principles of administrative law and the investigative process, inspections, principles of evidence, evidence collection, tagging and storage, interviewing techniques, report writing and the differences between administrative and criminal proceedings, and also made some very good contacts. At the end of the conference, they had to take an exam and pass with 80 percent or above to receive certification as a basic investigator, and all of the Board's investigators passed.

- Approval of Requests for Authority to Provide Medical Training in Cosmetic Injection
Techniques – Lynnette L. Krotke, Chief of Licensing

Ms. Krotke informed the Board that she has received letters of request from a group of physicians from out of state who would like to come to a hotel in Las Vegas and inject patients with Botox in order to train others in the procedure.

Dr. Montoya stated he was uncomfortable with the idea.

Dr. Held moved that the Board deny the request. Dr. Lubritz seconded the motion.

Mr. Cousineau stated he had received several calls concerning this type of demonstration and wanted to be sure there would be consistency in dealing with the requests.

Dr. Baepler stated that this is not a continuing medical education situation, where an expert would be demonstrating a particular technique, which the Board has always cooperated with. This is a commercial venture, and therefore not the same situation.

The Chairman called for a vote on the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Ms. Krotke then stated she had a question concerning telemedicine licenses, in that she has been receiving requests from psychiatrists and also from one neonatologist for that type of license, and she wanted to know whether the Board would be comfortable issuing telemedicine licenses for the practice of these types of specialties.

Dr. Montoya stated those applicants would have to appear before the Board.

Agenda Item 9

EXECUTIVE STAFF REPORTS

- Drennan A. Clark, J.D., Executive Secretary/Special Counsel
 - Consideration of Request for Staff Attendance at Educational Meetings
 - Consideration of Approval of Executive Committee Description and Duties
 - Consideration of Approval for Donald H. Baepler, Ph.D., D.Sc. to run for election to the Board of Directors of the Federation of State Medical Boards of the United States, Inc.
 - Status of Staff Additions and Board Office Space
 - Consideration of Proposed 2005 Board Meeting Schedule
 - Informational Items

- Consideration of Request for Staff Attendance at Educational Meetings

Mr. Clark requested authority for additional staff to attend one of the Federation of State Medical Boards' two-day workshops on promoting balance and consistency in the regulatory oversight of pain care, namely Deputy General Counsel Bonnie S. Brand and all of the investigators, as there is an investigative training session there as well.

Dr. Baepler moved to authorize attendance of the additional staff members at one of the Federation of State Medical Boards' pain management workshops, as discussed. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mr. Clark requested authority to attend the Administrators in Medicine Board of Directors meeting in New Orleans in February for two days.

Mrs. Kirch moved to authorize Mr. Clark to attend the aforementioned meeting, as discussed. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Consideration of Approval for Donald H. Baepler, Ph.D., D.Sc. to Run for Election to the Board of Directors of the Federation of State Medical Boards of the United States, Inc.

Dr. Baepler stated he had less enthusiasm to run this year than last, so this is not a commitment, but he would like to have the option available, and it would be at his own expense.

Dr. Held moved to authorize Dr. Baepler to run for election to the Board of Directors of the Federation of State Medical Boards. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Consideration of Approval of Executive Committee Description and Duties

Dr. Montoya stated the Executive Committee consists of the President, Vice President and Secretary-Treasurer, and allows for decisions on administrative matters by three Board members, rather than just the President.

Dr. Baepler stated it should streamline future meetings by cutting down on some matters that would otherwise be brought before the full Board unnecessarily.

Dr. Anwar moved to approve the Executive Committee description and duties, as presented. Mrs. Kirch seconded the motion, and it passed, with the Chair voting in favor of the motion.

Mr. Clark stated he wanted to amend the organizational chart to remove the Medical Reviewers from supervision by the General Counsel and put them under the supervision of the Executive Secretary. This would not require Board action, but he asked if any Board members had any objection, and none was indicated.

- Consideration of Proposed 2005 Board Meeting Schedule

Mr. Clark requested that the June Board meeting be moved from the 10th and 11th of June to the 3rd and 4th, in order to allow Dr. Barnett to attend the IC meetings for that Board meeting.

Dr. Montoya asked that the March meeting be moved to March 4th and 5th instead of March 11th and 12th.

Dr. Held stated he also could not be available on June 11th.

The consensus was that the dates of March 4th and 5th, June 3rd and 4th, September 9th and 10th and December 2nd and 3rd were acceptable.

Agenda Item 10

LEGAL REPORTS - Stephen D. Quinn, J.D., General Counsel
Edward O. Cousineau, J.D., Deputy General Counsel
Charlotte M. Bible, J.D., Chief Deputy Attorney General

- Board Ordered Terms, Conditions and Probation Status
- Board Litigation Status
- Discussion Concerning Investigative Committee Letters of Concern to Licensees

- Board Litigation Status

Mr. Quinn told the Board there are currently 2 cases pending adjudication, 18 cases scheduled for hearing, 15 cases in which the Investigative Committees have authorized filing of a formal complaint, 7 cases pending which have been referred back to investigators for further investigation, which do not include those considered at the Investigative Committee on December 2, and 1 case pending settlement. There appears to be a 9-to-12 month delay between receiving the authorization to file a formal complaint by the Investigative Committees and bringing the case before the Board for adjudication. Based upon the current number of cases coming in, the current projection is that the legal staff will be holding 48 to 50 formal hearings per year, or approximately 1 per week, which could result in approximately 12 adjudications per Board meeting. Mr. Quinn explained the current process for complaints once they have been authorized by the Investigative Committees.

Agenda Item 8 **(CONTINUED)**

REPORTS

- Diversion Program - *Quarterly Report* - Peter Mansky, M.D., Executive Director
- Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C, Advisory Committee Member
- Practitioner of Respiratory Care Advisory Committee - Michael J. Garcia, R.R.T., Advisory Committee Member
- Investigative Committees - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer, Chairperson
Joel N. Lubritz, M.D., Vice President, Chairperson
 - Consideration of Cases Recommended for Closure by the Committees
 - Status of Investigative Caseload
- Nevada State Medical Association Liaison Report - Stephen K. Montoya, M.D.
- Secretary-Treasurer - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer
 - Consideration and Approval of Biennial Budget for Fiscal Years 2006 and 2007
 - Status of Finances
- Administrators in Medicine's *2004 Western/Central Regional Meeting*, September 23 & 24, 2004, Santa Fe, N.M. - Drennan A. Clark, J.D., Executive Secretary/Special Counsel
- Federation of State Medical Boards' *Promoting Balance and Consistency in the Regulatory Oversight of Pain Care Workshop*, November 14 & 15, 2004, Dallas, TX - Stephen D. Quinn, J.D., General Counsel
- Council on Licensure, Enforcement and Regulation's *National Certified Investigators' Training*, September 28 - 30, 2004, Kansas City, MO - Pamela J. Castagnola, Lead Investigator
- Approval of Requests for Authority to Provide Medical Training in Cosmetic Injection Techniques
 - Lynnette L. Krotke, Chief of Licensing

**INVESTIGATIVE COMMITTEES – Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer,
Chairperson**

Joel N. Lubritz, M.D., Vice President, Chairperson

- Consideration of Cases Recommended for Closure by the Committees
- Status of Investigative Caseload

- Consideration of Cases Recommended for Closure by Committees

Since Board members had now had an opportunity to review both Investigative Committees' lists of cases recommended for closure, Dr. Montoya called for a motion.

Mrs. Kirch moved to approve for closure the cases recommended by the Investigative Committees. Dr. Anwar seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 10 (CONTINUED)

LEGAL REPORTS

- Stephen D. Quinn, J.D., General Counsel
- Edward O. Cousineau, J.D., Deputy General Counsel
- Charlotte M. Bible, J.D., Chief Deputy Attorney General
- Board Ordered Terms, Conditions and Probation Status
- Board Litigation Status
- Discussion Concerning Investigative Committee Letters of Concern to Licensees

- Board Ordered Terms, Conditions and Probation Status

Mr. Quinn stated he had nothing to report under this agenda item.

- Board Litigation Status

Mr. Quinn stated the only significant case currently in litigation is the Mishler case and legal staff is waiting for the District Court to enter an order adopting the Ninth Circuit's decision as the ruling. There is one other case in which a man has filed an action and done nothing more, and does not have a lawyer, and Mr. Quinn does not want to attempt to have the case dismissed at this point because the Court won't do it so he is going to wait until time requires the case be dismissed, which is five years after filing.

- Discussion Concerning Investigative Committee Letters of Concern to Licensees

Mr. Cousineau stated that in 2003, the Legislature authorized the Board to issue letters of concern, that is, letters of warning or non-punitive admonishments, but there has been some ambiguity in the statute as to who had the authority to issue those letters. The statute says the Board may issue them, and the definition of the Board in Chapter 630 are the words "medical examiners." Staff asked for an advisory opinion from the Attorney General's Office on this issue through Ms. Bible. The opinion has been received and is consistent with the Board's understanding, and the Board can authorize the Investigative Committees to again administer these letters of concern by way of a motion.

Mr. Quinn suggested such a motion should contain two parts—one that would authorize the Investigative Committees to issue Section 630.299 letters of concern, and a second that the

Board ratifies, approves and adopts the letters of concern that have previously been sent by the Investigative Committees.

Discussion ensued concerning the manner in which the letters of concern would be drafted, reviewed and signed.

Mrs. Kirch moved to authorize the Investigative Committees to send letters of concern pursuant to NRS 630.299, and delegate authority to sign the letters to the Chairpersons of the Investigative Committees after review by all Committee members, and to ratify, approve and adopt the letters of concern that have been sent previously. Dr. Lubritz seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 11

LICENSURE RATIFICATION

- Ratification of Licenses Issued, and Reinstatements of Licensure and Changes of Licensure Status
Approved, Since the September 10 & 11, 2004 Board Meeting

Dr. Baepler moved to ratify the licenses issued, and reinstatements of licensure and changes of licensure status approved, since the September 10 & 11, 2004 Board meeting. Dr. Anwar seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 12

DISCUSSION, CONSIDERATION AND APPROVAL OF SETTLEMENT AND WRITTEN SETTLEMENT AGREEMENT IN RAJIV BUDDEN vs. NEVADA STATE BOARD OF MEDICAL EXAMINERS, NEVADA SUPREME COURT CASE NO. 43320

- Stephen D. Quinn, J.D., General Counsel

Rajiv Budden, M.D. appeared before the Board with his attorney, Hal Taylor, Esq.

CLOSED SESSION

Upon returning to Open Session, Dr. Baepler moved that the Board accept the terms of the settlement. Dr. Anwar seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mr. Taylor had submitted a written statement, which had been provided to all Board members, and Mr. Taylor verbally summarized that statement and the issues in the case.

Ms. Stoess asked where Dr. Budden was currently practicing, and he stated he was practicing in Los Angeles.

Dr. Anjum asked how long Dr. Budden had had a California license, and if he had a license in any other state, and he stated he has had a license in California since 1998 and also has licenses in Georgia and New York.

Dr. Baepler asked Dr. Budden the nature of his practice in California, and he stated he is an anesthesiologist.

Dr. Budden went on to describe his practice history in California.

Dr. Lubritz asked Dr. Budden if he had a job offer in Nevada and if that was the reason he was seeking licensure in Nevada, and Dr. Budden stated he had received an offer prior to his initially applying for licensure in Nevada, but lost the offer because he was denied licensure.

Dr. Baepler moved to rescind the revocation. Mrs. Kirch seconded the motion.

Dr. Lubritz moved to go into Closed Session and table the previous motion.

Dr. Baepler withdrew his previous motion. Dr. Lubritz seconded the motion, and it passed.

CLOSED SESSION

Upon returning to Open Session, Dr. Montoya stated the Board accepted Dr. Budden's settlement.

Agenda Item 13

REQUEST FOR REMOVAL OF RESTRICTION FROM LICENSE

- Robert S. Chancellor, M.D.

Mr. Quinn told the Board that he had received a call the previous day that Dr. Chancellor was not going to appear.

Dr. Anwar moved to continue the restrictions as placed on the license since there had been no evidence presented to the Board to remove them. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

RECESS

Dr. Montoya recessed the meeting for lunch at 12:15 p.m.

RECONVENE

Dr. Montoya reconvened the meeting at 1:00 p.m.

Agenda Item 14

APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE

Dr. Anwar moved to go into Closed Session to discuss the character and professional competence of applicants for licensure approval. Mrs. Kirch seconded the motion, and it passed.

CLOSED SESSION

14(a) Peter Mansky, M.D.

Upon returning to Open Session, Dr. Baepler moved that the Board grant an unrestricted license to practice medicine to Peter Mansky, M.D. pending successful passage of a peer review. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Anwar seconded the motion, and it passed.

14(g) Lawrence Danto, M.D.

Upon returning to Open Session, Dr. Baepler moved that the Board decline to exercise its discretion to grant licensure by endorsement to Lawrence Danto, M.D. Dr. Lubritz seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

Dr. Baepler moved to grant an unrestricted license to Lawrence Danto, M.D. pending successful completion of a peer review. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Lubritz seconded the motion, and it passed.

14(b) Debra Zwier, C.R.T.

Upon returning to Open Session, Dr. Baepler moved that the Board approve Debra Zwier, C.R.T.'s application for licensure. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor.

Dr. Baepler moved to return to Closed Session for the same purposes stated before. Dr. Lubritz seconded the motion, and it passed.

14(c) Anjali Rege, M.D.

Upon returning to Open Session, Dr. Baepler moved to grant Anjali Rege, M.D.'s application for licensure. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Dr. Baepler seconded the motion, and it passed.

14(d) Jerry Marty, M.D.

Upon returning to Open Session, Dr. Anwar moved that the Board decline to exercise its discretion to grant licensure by endorsement to Jerry Marty, M.D. Dr. Lubritz seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

Dr. Anwar moved to grant an unrestricted license to Jerry Marty, M.D. pending successful completion of a peer review. Dr. Lubritz seconded the motion, and it carried unanimously, with the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Dr. Held seconded the motion, and it passed unanimously.

14(e) Glen Lybbert, M.D.

Upon returning to Open Session, Dr. Montoya moved to grant Glen Lybbert, M.D.'s application for licensure following successful completion of all of the following: He must first pass the SPEX exam. Then he must practice under physician supervision in the area of OB/Gyn for six months at a Board-approved location. University Medical Center is an approved location, but if he chooses to perform this supervised practice at another facility, he must first receive authorization from the Board. At the completion of six months supervised practice, he must provide the Board with a written recommendation from a supervising physician at the approved facility stating that he has practiced there for six months and is competent to practice in the area of OB/Gyn and is recommended for licensure. Dr. Anwar seconded the motion, and it passed, with Mrs. Kirch opposed and the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Dr. Lubritz seconded the motion, and it passed.

14(f) Laura Bilodeau, M.D.

Upon returning to Open Session, Dr. Anjum moved that the Board decline to exercise its discretion to grant licensure by endorsement to Laura Bilodeau, M.D. Dr. Lubritz seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

Dr. Anjum moved to grant an unrestricted license to Laura Bilodeau, M.D. pending successful completion of a peer review. Dr. Anwar seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Baepler seconded the motion, and it passed.

14(h) Carmelita Caedo, M.D.

Upon returning to Open Session, Mrs. Kirch moved that the Board decline to exercise its discretion to grant licensure by endorsement to Carmelita Caedo, M.D. Dr. Baepler seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to grant an unrestricted license to Carmelita Caedo, M.D. pending successful completion of a peer review. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed.

14(i) Charles Benajan, C.R.T.

Upon returning to Open Session, Charles Benajan, C.R.T. withdrew his application for licensure.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed.

14(j) John Brown, M.D.

Upon returning to Open Session, Dr. Anwar moved that the Board grant John Brown, M.D.'s application for licensure conditioned upon Dr. Brown entering into and participating in a five-year contract with the Diversion Program. Ms. Stoess seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Dr. Lubritz seconded the motion, and it passed.

14(k) Lyman Rust, M.D.

Upon returning to Open Session, Dr. Anjum moved that the Board grant Lyman Rust, M.D.'s application for licensure pending successful passage of a peer review. Dr. Lubritz seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Dr. Held seconded the motion, and it passed.

14(l) Kwadwo Gyarteng-Dakwa, M.D.

Upon returning to Open Session, Dr. Anjum moved to grant Kwadwo Gyarteng-Dakwa, M.D.'s application for licensure pending receipt of a letter of recommendation from Yale, satisfactory to the Executive Committee, which addresses Dr. Gyarteng-Dakwa's communication skills, patient care, compassion, thoroughness, etc. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Dr. Held seconded the motion, and it passed.

14(m) Paul Henning, M.D.

Upon returning the Open Session, Dr. Baepler moved that the Board grant Paul Henning, M.D.'s application for licensure. Dr. Anwar seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

14(n) Paul Jahnig, M.D.

Dr. Baepler questioned Paul Jahnig, M.D., who appeared before the Board to respond to questions concerning his affirmative response to Question 12 and his negative response to Question 31 on his application for licensure, and his unverifiable postgraduate training.

Dr. Jahnig stated that Dr. Peter Novalis of Southern Nevada Adult Mental Health Services sent the Nevada State Board of Medical Examiners a letter requesting the Board issue him a restricted license which would permit him to practice only at that facility. Dr. Jahnig would prefer an unrestricted license, but would agree to a restricted license if necessary. He stated he responded in the negative to Question 31 on his application for licensure because he never considered the incident in Florida an investigation and had forgotten about it when he applied because it had nothing to do with the practice of medicine.

Dr. Jahnig told the Board he had passed the national board examination; however, Ms. Krotke stated the information received by licensing staff indicated Dr. Jahnig had not.

Dr. Anwar moved that the Board grant an unrestricted license to Paul Jahnig, M.D. contingent upon Dr. Jahnig producing evidence he passed the national board examination and successful completion of a peer review. Dr. Baepler seconded the motion.

Dr. Montoya explained to Dr. Jahnig that without proof of passage of the national board examination, the Board could only issue him a restricted license, and a restricted license would be reportable to the National Practitioner Data Bank, which could be seen as a negative to other states. He further explained that Dr. Jahnig also had the option to withdraw his application.

Dr. Jahnig withdrew his application for licensure.

14(o) Juergen Haase, M.D.

Upon returning to Open Session, Dr. Held moved to grant Dr. Haase's application for licensure contingent upon his continued board certification in Emergency Medicine. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Anwar seconded the motion, and it passed.

14(p) Tapashi Dev, M.D.

Upon returning to Open Session, Mrs. Kirch moved that the Board approve Tapashi Dev, M.D.'s application for licensure. Dr. Anwar seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

Dr. Montoya moved to return to Closed Session for the same purposes stated before. Dr. Anwar seconded the motion, and it passed.

14(g) Daphne Palmer, M.D.

Upon returning to Open Session, Dr. Anwar moved to grant Daphne Palmer, M.D.'s application for licensure. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

RECESS

Dr. Montoya recessed the meeting at 5:15 p.m.

SATURDAY, DECEMBER 4, 2004

Board Members Present

Stephen K. Montoya, M.D., President
Joel N. Lubritz, M.D., Vice President
Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer
Marlene J. Kirch
Sohail U. Anjum, M.D.
Javaid Anwar, M.D.
Charles N. Held, M.D.
Jean Stoess, M.A.

Board Members Absent

Cheryl A. Hug-English, M.D.

Staff Present

Drennan A. Clark, J.D., Executive Secretary/Special Counsel
Laurie L. Munson, Deputy Executive Secretary/
Information Systems Administrator/Chief of Administration
Stephen D. Quinn, General Counsel
Bonnie S. Brand, Deputy General Counsel
Lynnette L. Krotke, Chief of Licensing
Carolyn H. Castleman, Deputy Chief of Licensing
Michael L. Huse, Investigator (present in Reno)

Also Present

Charlotte M. Bible, J.D., Chief Deputy Attorney General

RECONVENE

Stephen K. Montoya, M.D., President, reconvened the meeting at 9:05 a.m.

Agenda Item 14 **(CONTINUED)**

**APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS
FOR LICENSURE**

Dr. Montoya moved to go into Closed Session to discuss the character and professional competence of applicants for licensure approval. Dr. Anwar seconded the motion, and it passed.

CLOSED SESSION

14(r) James L. Flowers, M.D.

Upon returning to Open Session, Dr. Held moved to grant James L. Flowers, M.D.'s application for licensure based upon the fact that there has been a change in circumstances in that there is no longer a restriction upon his Wisconsin license, and with the condition that he submit to random reviews of his charts by the Nevada State Board of Medical Examiners for a

period of three years. Ms. Stoess seconded the motion, and the motion passed, with Dr. Baepler, Mrs. Kirch and the Chair opposed.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Dr. Held seconded the motion, and it passed.

14(u) Lali Sekhon, M.D.

Lali Sekhon, M.D. appeared before the Board on his application for licensure by endorsement, as he had not completed 36 months of progressive postgraduate training.

Dr. Held moved that the Board decline to exercise its discretion to grant licensure by endorsement to Lali Sekhon, M.D. Ms. Stoess seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

Dr. Held moved to grant an unrestricted license to Lali Sekhon, M.D. pending successful completion of a peer review. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed.

14(t) Ronald Myers, M.D.

Upon returning to Open Session, Dr. Baepler moved to deny Ronald Myers, M.D.'s application for licensure for the following reasons: (1) Dr. Myers' application was not completely forthcoming; (2) the discipline against his license, particularly in Florida, but also in other states; (3) his history of, and continued disruptive behavior; (4) his history of substance abuse; and (5) the Nevada Health Professionals Assistance Foundation did not advocate for him in his application for licensure. Dr. Anwar seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Dr. Held seconded the motion, and it passed.

Dr. Lubritz left the meeting at 11:45 a.m.

14(s) Elliott Schmerler, M.D.

Upon returning to Open Session, Dr. Baepler moved to deny Elliott Schmerler, M.D.'s application for licensure for the following reasons: (1) he is still under probation for a felony that brings disrepute upon the medical profession; (2) the history of numerous malpractice cases filed against him, and those pending; and (3) he is in violation of a Board order by failing to pay the fine assessed against him by the Board. Mrs. Kirch seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 15

MATTERS FOR FUTURE AGENDA

There were no matters for future agenda.

Agenda Item 16

PUBLIC COMMENT

The Board received no public comment.

ADJOURNMENT

Motion by Dr. Baepler to adjourn. Dr. Anwar seconded the motion, and it passed, with the Chair voting in favor of the motion.

Dr. Montoya adjourned the meeting at 12:30 p.m.